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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

PLASTIC PIPE AND FITTINGS
ASSOCIATION, a National Trade Association
and an Illinois Not-for-Profit Corporation,

Case No. BS 076413

(Assigned for all purposes to
Hon. Dzintra Janavs, Dept. 95)

Petitioner,

**PEREMPTORY
WRIT OF MANDATE**

v.

CALIFORNIA BUILDING STANDARDS
COMMISSION, a commission of the State of
California within the State and Consumer
Services Agency; and The CALIFORNIA
DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT, an agency
of the State of California; the CALIFORNIA
DIVISION OF THE STATE ARCHITECT-
STRUCTURAL SAFETY, an agency of the,
State of California; the CALIFORNIA OFFICE
OF STATEWIDE HEALTH PLANNING AND
DEVELOPMENT, an agency of the State of
California; the CALIFORNIA DEPARTMENT
OF HEALTH SERVICES, an a agency of the
State of California; and the CALIFORNIA
DEPARTMENT OF FOOD AND
AGRICULTURE, an agency of the State of
California; and DOES 1 through 50, inclusive,

Respondents.

Judgment having been entered in this proceeding, ordering that a peremptory writ of mandate be issued from this Court.

IT IS ORDERED that immediately upon service of this writ, Respondents California Building Standards Commission, California Department of Housing and Community Development, California Division of the State Architect-Structural Safety, California Office of Statewide Health Planning and Development, California Department of Health Services, and California Department of Food and Agriculture, (collectively, "Respondents") do the following:

1. Respondents, and each of them, shall vacate the final express terms, final statement of reasons, and final nine point criteria with respect to cross-linked polyethylene ("PEX"), adopted and approved as part of the 2001 California Plumbing Code cycle.

2. Respondent California Building Standards Commission ("Commission") shall vacate the approval of all exceptions to the use of PEX in sections 604.1, 604.11, 604.11.1 and 604.11.2 of the 2001 California Plumbing Code. Specifically, as to section 604.1, the language "[Not adopted by HCD]" shall be vacated, Exception 2 shall be vacated in its entirety; Exception 3 shall be vacated in its entirety; as to section 604.11, the language "[Not adopted by BSC, HCD, DSA/SS, DHS, AGR, & OSHPD 1, 2, 3 & 4]" shall be vacated; as to section 604.11.1, the language "[Not adopted by BSC, HCD, DSA/SS, DHS, AGR, & OSHPD 1, 2, 3 & 4]" shall be vacated; as to section 604.11.2, the language: "[Not adopted by BSC, HCD, DSA/SS, DHS, AGR, & OSHPD 1, 2, 3 & 4]" shall be vacated. As a result, sections 604.1, 604.11, 604.11.1 and 604.11.2 shall approve PEX without any changes from these same sections in the 2000 Uniform Plumbing Code.

3. Respondent Commission shall vacate the approval in its entirety of section 604.1.1, which states an exception to section 604.1 for the use of PEX for HCD 1 and HCD 2 applications.

4. Respondent Commission shall vacate the finding that evidence has been presented that approval of PEX may result in a significant effect *on the* environment requiring compliance with the California Environmental Quality Act prior to any adoption of building standards authorizing the material.

5. Respondent Commission shall vacate the directions that the Executive Director of the Commission, in consultation with the Coordinating Council and the Commission's Code Committee, prepare a report to the Commission on a proposed procedure for coordinated State review of PEX consistent with CEQA,

6. Respondents shall take all further actions necessary to comply with this writ and the orders of This Court.

7. Within thirty (30) days of issuance of this peremptory writ of mandate Respondents, and each of them, shall file and serve a report to the Court describing what actions Respondents have taken to comply with this writ.

The Court will retain jurisdiction for purposes of enforcing this peremptory writ of mandate.

[SEAL]

_____, Clerk

By _____, Deputy Clerk

LET THE FOREGOING WRIT ISSUE.

Date: 2/13/03

Hon. Dzintra Janavs, Judge Superior Court